

# **EXHIBIT D**



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October 30, 2020

**VIA EMAIL (JPECK@HOMANSPECK.COM)**

Julianne L. Peck, Esq.  
Homans Peck LLC  
43 Paoli Plaza #426  
Paoli, PA 19301

**Re: Polysciences, Inc. v. Joseph T. Masrud, Civil Action No. 2:20-cv-03649-PBT**

Dear Ms. Peck:

We write in response to your letter dated October 12, 2020 (the “October 12<sup>th</sup> Letter”), and further to our conversation of October 26, 2020.

First, and as we discussed, we confirm that Polysciences is not currently withholding documents based on its objections. Polysciences’ document production is not complete, particularly in light of Mr. Masrud’s issuance of a second set of document requests. For these requests, and to the extent that Polysciences finds additional documents responsive to the prior requests, Polysciences will produce the responsive documents or identify that it will not based on its objections.

Second, you raised privilege logs. Neither party has produced a privilege log. We agree that responsive attorney-client communications from the commencement of litigation forward are presumptively privileged and need not be logged. To the extent that Polysciences withholds responsive attorney-client communications from prior to the litigation, it will provide a privilege log upon completion of its document production.

Third, the October 12<sup>th</sup> Letter also raises specific alleged deficiencies regarding Polysciences’ Responses to Requests Nos. 2, 13, and 14. As to Request No. 2, Polysciences will produce the report of KLD, which is referenced in the briefing, as to the Polysciences device issued to Mr. Masrud. You are also aware of the ongoing third-party forensic analysis under the parties’ agreed protocol.

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Fourth, as to your alleged deficiencies to Requests Nos. 13 and 14, Polysciences disagrees with your assertion that it did not produce requested documents. Specifying documents exceeds the obligations under the Federal Rules of Civil Procedure, but as a demonstration of good faith please see documents at:

POLYSCIENCES0000134-138

POLYSCIENCES0000139-150

POLYSCIENCES0000228-238

POLYSCIENCES0001235-1240

POLYSCIENCES0001241-1248

POLYSCIENCES0001249-1257

POLYSCIENCES0001294-1303

POLYSCIENCES0001289-1293

POLYSCIENCES0001316-1323

POLYSCIENCES0001347-2242

POLYSCIENCES0001026-1092

Please note the designations under the confidentiality order and proceed accordingly. If Polysciences locates any additional documents responsive to these Requests, it will supplement its production.

Finally, Polysciences provides the following responses with regard to your alleged deficiencies to Polysciences' Responses to Interrogatories Nos. 2, 3 5, 7, and 8.

**Interrogatories Nos. 2 and 3:** Polysciences previously identified Andrew Ott (Executive Vice President and Chief Operating Officer), Scott Knorr (Vice President, Sales and Business Development), Samir Zavari (Principal Chemist), and Jeff DePinto Ph.D. (Director of Sales for Polysciences subsidiary Bangs Laboratories). Their titles are as noted. Also responsive (and identified in the Initial Disclosures) are Leena Mol



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Thuruthippallil, Ph.D. (Director of Lab Products), Michael Wagaman, Ph.D. (Vice President Research and Development), your client Joseph Masrud, and Mathew Griffin.

These are the responsive individuals for the present formulations of the referenced products. Several Polysciences personnel directly or indirectly contribute to research and development to some extent, but the primary contributors to the current products are as noted.

**Interrogatory No. 5:** Again, Polysciences objects to your mischaracterization of Polysciences' response to this Interrogatory. Polysciences correctly referred Masrud to its answer to Interrogatory No. 4, where it provided a detailed list of what it considers its confidential information and trade secrets that Mr. Masrud misappropriated. Polysciences also referred Mr. Masrud to documents produced in response to Mr. Masrud's Request for Production Nos. 1, 2, 3, 4, 7, and 8. Again, this exceeds Polysciences' obligations under the Rules, but please see:

POLYSCIENCES0000234-419

POLYSCIENCES0000420-488

POLYSCIENCES0000489-537

POLYSCIENCES0001174-1189

POLYSCIENCES0000043-57

POLYSCIENCES0000134-138

POLYSCIENCES0000139-150

POLYSCIENCES0000098-102

POLYSCIENCES0000113-118

POLYSCIENCES0000103-112

POLYSCIENCES0000151-156

POLYSCIENCES0000157-163

POLYSCIENCES0000164-169



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POLYSCIENCES0000228-238

POLYSCIENCES0001286-1288

POLYSCIENCES0001275-1278

POLYSCIENCES0001279-1285

POLYSCIENCES0001271-1274

POLYSCIENCES0001310-1311

POLYSCIENCES0001235-1240

POLYSCIENCES0001241-1248

POLYSCIENCES0001249-1257

POLYSCIENCES0001294-1303, 80-87

POLYSCIENCES0001304-1309

POLYSCIENCES0001289-1293

POLYSCIENCES0001316-1323

POLYSCIENCES0001324-1343, 119, 133

POLYSCIENCES0001258-1270

POLYSCIENCES0001312-1315

POLYSCIENCES0001347-2242

POLYSCIENCES0001026-1092

POLYSCIENCES0001204-1234

POLYSCIENCES0001203

POLYSCIENCES0001199-1202



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POLYSCIENCES0000966-1025

POLYSCIENCES0002295

Please note the designations under the confidentiality order and proceed accordingly.

**Interrogatory Nos. 7 and 8:** Despite having a typographical error, Polysciences *did* respond to this Interrogatory. Polysciences again referred Mr. Masrud to its answer to Interrogatory No. 4, where it provided a detailed list of what it considers its confidential information, which has been inappropriately misappropriated by Mr. Masrud. Polysciences also referred Mr. Masrud to documents produced in response to Mr. Masrud's Request for Production Nos. 1, 6, 8, 9, 10, 13, and 14. See also the Bates references above. The foregoing may be further supplemented based on ongoing discovery.

I trust that these supplements satisfy your concerns, but we remain available if further discussion is needed. Polysciences reserves all rights.

Sincerely yours,

A handwritten signature in black ink that reads "Eric E. Reed".

Eric E. Reed